

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. 98-700

CLEANUP AND ABATEMENT ORDER
FOR
TALAL BAKRI JAMMAL
SHASTA COUNTY

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) finds that:

1. Talal Bakri Jammal (hereafter Discharger) owns property in Shasta County known as the Jammal Ranch. The property is located near Big Bend California in Sections 23, 24, 25 and 26, T37N, R1E. Surface drainage from the property enters Kosk Creek, a major spawning tributary of the Pit River in Shasta County.
2. During the fall of 1997 the Discharger excavated an irrigation ditch adjacent to Kosk Creek and across unnamed tributaries to it. Inspection by Regional Board staff on 15 December 1997 found that excavation of the ditch deposited significant amounts of sediment to Kosk Creek and deposited significant amounts of uncompacted fill which threatens to enter Kosk Creek.
3. The beneficial uses of the unnamed tributaries and Kosk Creek are municipal and agricultural supply, power generation, recreation, cold water habitat, fish spawning and wildlife habitat.
4. As a result of activities in Finding No's. 1 and 2 above, the Discharger discharged or placed earthen materials and waste where they have and will continue to discharge into Kosk Creek during periods of precipitation runoff.
5. If earthen materials are not stabilized or removed, the potential discharge of sediment threatens to cause conditions of pollution and nuisance due to bottom deposits, turbidity, and suspended sediment in the Kosk Creek and the Pit River.
6. The issuance of this Order is in accordance with Section 13304(a) of the California Water Code, which states:

"Any person who has discharged or discharges waste into the waters of this State in violation of any waste discharge requirements or other order or prohibition issued by a regional board or a state board or who has caused or permitted, cause or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the State and created, or threatens to create, a condition of pollution or nuisance, shall upon order of the Regional Board clean up such waste or abate the effects thereof or, in the case of threatened pollution or nuisance, take other necessary remedial action. Upon failure of any person to comply with such cleanup or abatement order, the Attorney General, at the request of the Board, shall petition the Superior Court of the County for the issuance of an injunction requiring such person to comply therewith. In any such suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or

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permanent, as the facts may warrant."

7. The issuance of this Order is an enforcement action by a regulatory agency and, as such, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with Section 15231(a)(2), Title 14, California Code of Regulations.
8. Any person affected adversely by this action of the Board may petition the State Water Resources Control Board to review the action. The petition must be received by the State Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request.

IT IS HEREBY ORDERED that, pursuant to Section 13304 of the California Water Code, Talal Bakri Jammal, shall comply with the following:

1. Cleanup and abate, forthwith, earthen materials and other waste discharged or placed into surface waters or in areas where such material could reasonably be expected to pass into surface waters.
2. Compliance with No. 1 above shall include, but not be limited to, the following measures:
 - a. Submit to the Board no later than **30 January 1998**, a stabilization plan prepared by or under the direction of a registered civil engineer or certified geologist knowledgeable and experienced in stream restoration and erosion control measures. The plan must specify the following:
 - 1) Stabilization measures to prevent earthen material from being discharged in the surface water drainages. Stabilization measures must minimize bank, fill and waste erosion, and establish stable flow channels. Soil stabilization methods to be considered shall include, but not be limited to, hydromulching, straw mulching, vegetative stabilization, mechanical stabilization methods (such as proper compaction, removal of unstable fill, geotextile fabrics, and riprap). Methods to stabilize the channel geometry to be considered shall include, but not be limited to,

rock lining, flow dispersion, and establishment of riparian vegetation. To avoid imminent discharges of sediment that may occur during the upcoming 1998 precipitation/runoff, season the stabilization plan may be divided into two parts including temporary and permanent stabilization.

- 2) Measures to correct or replace inadequate drainage control structures, such as culverts that discharge storm water into unstable or fill areas.
 - 3) A monitoring and maintenance plan that describes inspections of the site after each storm event of one inch or more of rainfall, as well as any necessary maintenance to prevent earthen material from discharging into surface waters. The Discharger shall provide monitoring and maintenance at the site through **30 June 1998**.
- b. The stabilization plan shall be approved by the Executive Officer prior to commencement of any cleanup and abatement activity.
 - c. Obtain necessary permits from the Army Corps of Engineers and the Department of Fish and Game prior to any corrective work.
 - d. Complete, by **16 February 1998**, all work necessary to prevent further discharges of sediment to surface waters as specified in the approved stream stabilization plan.
 - e. Submit, by **20 February 1998**, a report by the person in charge of the stream stabilization plan, indicating all of the actions taken and methods used to comply with this Order.
 - f. Submit monthly monitoring reports **from January 1998 through June 1998**, summarizing the effectiveness of the stream stabilization efforts and any necessary maintenance activities.

Gary M. Carlton, Executive Officer

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by: JAMES C. PEDRI, Assistant Executive Officer

(Date)

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